

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

KIMBERLY RUSSELL,)	CASE NO.
)	
Plaintiff,)	JUDGE
)	
v.)	<u>NOTICE OF REMOVAL</u>
)	
FAMILY DOLLAR, et al.)	
)	
Defendants.)	

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Family Dollar Stores, Inc. (improperly named as Family Dollar Stores, LLC), with the consent of Family Dollar Stores of Ohio, LLC (formerly known as Family Dollar Stores of Ohio, Inc. and improperly named as Family Dollar Store Number 01777), Family Dollar Services, LLC, Dollar Tree, Inc., Dollar Tree Stores, Inc. (improperly named as Dollar Tree Store, Inc.), Dollar Tree Sourcing Company, LLC, Midwood Brands, LLC and JD, LLC Direct Imports, files this notice of removal of the above-captioned action to the United States District Court for the Northern District of Ohio, Western Division from the Court of Common Pleas, Marion County, Ohio where the action had been pending before Judge Warren T. Edwards in Case No. 2022 CV 0092, and hereby states:

1. The above captioned action was commenced in the Court of Common Pleas of Summit County, Ohio, being Case No. CV 2022-03-0762, and was pending in that court.
2. Defendant Family Dollar Stores, Inc. received service of Plaintiff's Complaint and Summons on April 7, 2022. (See Return of Service attached hereto as Exhibit A.) This Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(1) which provides: "The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through

service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.”

3. Defendant Family Dollar Stores of Ohio, LLC (formerly known as Family Dollar Stores of Ohio, Inc.) received service of Plaintiff’s Complaint and Summons on March 30, 2022.

4. Defendant Family Dollar Services, LLC received service of Plaintiff’s Complaint and Summons on March 30, 2022.

5. Defendant Dollar Tree, Inc. received service of Plaintiff’s Complaint and Summons on April 4, 2022.

6. Defendant Dollar Tree Stores, Inc. received service of Plaintiff’s Complaint and Summons on March 30, 2022.

7. Defendant Dollar Tree Sourcing Company, LLC received service of Plaintiff’s Complaint and Summons on March 30, 2022.

8. Defendant Midwood Brands, LLC received service of Plaintiff’s Complaint and Summons on April 4, 2022.

9. Defendant JD, LLC Direct Imports (formerly known as Jeff Dudley, LLC) received service of Plaintiff’s Complaint and Summons on April 2, 2022)

10. The Complaint also names Defendants John Doe Companies 1-3. The citizenship of these defendants is disregarded pursuant to 28 U.S.C. § 1441(b)(1).

11. The United States District Court for the Northern District of Ohio has jurisdiction over this suit through diversity of citizenship jurisdiction pursuant to 28 USC §1332 because:

- (a) the matter in controversy exceeds the sum of \$75,000.00 (See “Exhibit B” - letter sent to Plaintiff’s Counsel dated April 13, 2022 asking them to stipulate that the matter in controversy does not exceed \$75,000.00 and indicating if they did not sign stipulation of value stipulating matter in controversy does not exceed \$75,000, then Defendants will assume the amount in controversy exceeds

\$75,000.00. Plaintiff's Counsel did not respond to the letter and, therefore, Defendants assert that the amount in controversy exceeds \$75,000.).

- (b) Family Dollar Stores of Ohio, LLC (formerly known as Family Dollar Stores of Ohio, Inc.) is a Virginia Corporation with its principal place of business in Chesapeake, Virginia. (See form obtained from Virginia Secretary of State website, attached as Exhibit C).
- (c) Family Dollar Stores, Inc. is a Delaware corporation with a principal place of business in Matthews, North Carolina (see form obtained from Delaware Secretary of State website, attached as Exhibit D and form obtained from North Carolina Secretary of State website, attached as Exhibit E).
- (d) Defendant Family Dollar Services, LLC is a North Carolina limited liability company with its principal place of business in Matthews, North Carolina. (See form obtained from North Carolina Secretary of State website, attached as Exhibit F).
- (e) Defendant Dollar Tree, Inc. is a Virginia corporation with its principal place of business in Chesapeake, Virginia. (See form obtained from Virginia Secretary of State website, attached as Exhibit G).
- (f) Defendant Dollar Tree Stores, Inc. is a Virginia corporation with its principal place of business in Chesapeake, Virginia. (See forms obtained from Virginia Secretary of State website, attached as Exhibits H and I).
- (g) Defendant Dollar Tree Sourcing Company, LLC is a Virginia limited liability company with its principal place of business in Chesapeake, Virginia. (See form obtained from Virginia Secretary of State website, attached as Exhibit J).
- (h) Defendant Midwood Brands, LLC is a North Carolina limited liability company with its principal place of business in Matthews, North Carolina. (See forms obtained from North Carolina Secretary of State website, attached as Exhibits K and L).
- (i) Defendant JD, LLC Direct Imports (formerly known as Jeff Dudley, LLC) is a Tennessee Limited Liability Company with its principal place of Business in Cookeville, Tennessee (See form obtained from Tennessee Secretary of State website, attached as Exhibit M).
- (j) Plaintiff is a citizen and resident of the State of Ohio. (See Complaint attached as Exhibit N).

12. Plaintiff will be given a written notice of the timely filing of this notice as required by 28 U.S.C. §1446(d).

13. A copy of this notice will be filed with the Clerk of Court of the Common Pleas Court of Marion County as required by 28 U.S.C. §1446(d).

14. All Defendants consent to the removal of this action.

WHEREFORE, Defendants request that this action proceed in this United States District Court as an action properly removed to it.

Respectfully submitted,

/s/Daniel A. Richards

Daniel A. Richards (0059478)

WESTON HURD LLP

1300 East Ninth Street Suite 1400

Cleveland, Ohio 44114

Phone: (216) 241-6602

Fax: (216) 621-8369

DRichards@westonhurd.com

***Counsel for Defendants Family Dollar Stores, Inc.,
Family Dollar Stores of Ohio, LLC, Family Dollar
Services, LLC, Dollar Tree, Inc., Dollar Tree
Stores, Inc., Dollar Tree Sourcing Company, LLC
and Midwood Brands, LLC***

/s/ John D. Rodman (via email consent 4/29/22)

John D. Rodman (38708)

LAW OFFICE OF DIANA LEE KHACHATURIAN

5445 Corporate Dr Suite 360

Troy, MI 48098

Phone: (248) 816-7654

Fax: (877) 369-5821

John.Rodman@thehartford.com

Counsel for JD, LLC Direct Imports

CERTIFICATE OF SERVICE

The foregoing **NOTICE OF REMOVAL** was filed electronically on this **2nd** day of **May, 2022**.

Notice of this filing will be sent to the following parties through the Court's Electronic Filing System.

Thomas D. Robenalt
John P. Colan
THE ROBENALT LAW FIRM, INC.
23550 Center Ridge Road Suite 103
Westlake, OH 44145
trobenalt@robenaltlaw.com
jcolan@robenaltlaw.com
Attorneys for Plaintiff

John D. Rodman
LAW OFFICE OF DIANA LEE KHACHATURIAN
5445 Corporate Dr Suite 360
Troy, MI 48098
Phone: (248) 816-7654
Fax: (877) 369-5821
John.Rodman@thehartford.com
Counsel for Defendant JD, LLC Direct Imports

/s/Daniel A. Richards

Daniel A. Richards (0059478)